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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,873

Applicant(s)

KLOPPENSTEIN, SCOTT E.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Schneidewend et al. (Schneidewend) (6,249,320) (of record).

As to claim 24, Schneidewend discloses in a video decoder (100), a system for tuning to acquire packetized program information comprising a program conveyed on one of a plurality of broadcast channels (column 3, lines 17-36) identified by a physical transmission number (the broadcast RF channel; column 6, lines associated with the major channel number of the virtual channel; column 6, lines 32-35) corresponding to a virtual channel (corresponding to the major number of the virtual channel; column 6, lines 32-35) and a virtual channel identification number including a major number associated with an information provider and a group of sub-channels (column 6, lines 21-39) and a minor number identifying a sub-channel from among said group of sub-channels (column 6, lines 35-49), comprising the steps of:

navigating within a first list, including a plurality of broadcast channels (Fig. 13), to identify and select a broadcast channel an associated virtual channel identification

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number, in response to user activation of a first navigation control (column 3, lines 37-45 and column 12, lines 8-14), wherein the physical transmission number corresponding to said virtual channel identified number is displayed (wherein the major number "12" would be the physical transmission number; see column 6, lines 32-35) with said virtual channel identification number (wherein the virtual channel identification number is represented by a major and minor number, "12-1"; see Fig. 12);

navigating within a second list of a group of sub-channels associated with said selected broadcast channel (Fig. 13) to identify and select a sub-channel and an associated minor number, in response to user activation of a second navigation control (column 3, lines 37-45 and column 12, lines 8-20);

tuning to receive a selected broadcast channel using said selected virtual channel identification number (column 4, lines 43-57); and

acquiring packetized program information comprising a program conveyed on said broadcast sub-channel using said minor number (column 5, lines 66-67 and column 6, lines 1-4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (Sugiyama) (6,313,886) (of record) in view of Newberry et al. (Newberry) (5,625,406).

As to claim 1, Sugiyama discloses in a video decoder (Television, 400, column 3, lines 58-67 and column 4, lines 1-11), a system for acquiring information comprising a program on one of a plurality of broadcast channels (column 4, lines 12-34), comprising the steps of:

identifying an individual broadcast channel in response to user entry (column 5, lines 60-67) of either of, (a) a first channel identification number (transmission channel 4 in Fig. 1, column 2, lines 1-4), and (b) a different second channel identification number (digital channels 4.1 and 4.2, column 1, lines 35-47 and lines 60-63);

tuning to receive said identified individual broadcast channel (column 5, lines 60-67);

determining said identified broadcast channel as being either analog or digital (column 4, lines 12-22);

acquiring program guide information transmitted on said identified broadcast channel (packet including EPG tables and data; see Fig. 2; column 6, lines 1-9), wherein said program guide information (such as PAT and PMT tables) is received from packetized program information (the received packet; see Fig. 2; column 6, lines 1-18) of said identified broadcast channel (column 5, lines 60-67 and column 6, lines 1-9) when determined to be digital (column 4, lines 23-35);

acquiring said packetized program information comprising a program conveyed on said individual broadcast channel (column 6, lines 29-33 and 52-55) using said acquired program guide information (PSIP section, column 1, lines 47; column 6, lines 10-16 and 24-33); and

processing said packetized program information to be suitable for display (column 4, lines 27-64).

While Sugiyama discloses determining if an identified broadcast channel is analog, he fails to specifically disclose acquiring program guide information transmitted on said channel, wherein said program guide information is transmitted in the VBI of said broadcast channel when determined to be analog.

In an analogous art, Newberry discloses a home television receiver (Fig. 1) that can acquire program guide information from digital signals (column 3, lines 3-11) and can acquire program guide information from analog channels (column 3, lines 30-37), wherein for analog channels the guide information is transmitted in the VBI (column 3, lines 30-37) for the typical benefit of providing a channel guide for users receiving both analog and digital signals (column 1, lines 65-67 and column 2, lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Sugiyama's system to include acquiring program guide information transmitted on said channel, wherein said program guide information is transmitted in the VBI of said broadcast channel when determined to be analog, as taught by Newberry, for the typical benefit of providing a channel guide incorporating both analog and digital guides for users who receive both analog and digital signals.

As to claim 2, Sugiyama and Newberry disclose wherein said first channel identification number is a transmission channel identification number (major channel 4; see Sugiyama at column 1, lines 48-52), and said second channel identification number is a virtual channel identification number (minor channels 4.1 and 4.2; see Sugiyama at column 1, lines 35-47 and 48-52).

As to claim 3, Sugiyama and Newberry disclose displaying said second channel identification number together with said program (see Sugiyama at Fig. 11, box 1104; channel number 4.0, column 6, lines 24-28), in response to entry of said first channel identification number (channel number 4; see Sugiyama at column 2, lines 1-4).

As to claim 4, Sugiyama discloses wherein said second channel identification number is comprised of two elements, a major number and a minor number (see Sugiyama at column 1, lines 35-47).

As to claim 5, Sugiyama and Newberry disclose the step of displaying said major number and minor together with said program (see Sugiyama at Fig. 11, box 1104, number 4.0, column 6, lines 24-28), in response to entry of said first channel identification number (channel number 4; see Sugiyama at column 2, lines 1-4).

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As to claim 6, Sugiyama and Newberry disclose the step of displaying said first channel identification number together with said program (see Sugiyama at Fig. 11, box 1104, wherein the first channel identification number, 4, is part of the second channel identification number, 4.1; see Sugiyama at column 5, lines 60-67) in response to entry of said second channel identification number (see Sugiyama at column 7, lines 5-49).

As to claim 8, Sugiyama and Newberry disclose wherein said second channel identification number comprises a major number and a minor number (see Sugiyama at column 1, lines 35-47) wherein said major number is associated with both an information provider and a group of sub-channels (wherein major number 4 is associated with a broadcast organizations analog channel 4 and minor channels 4.1 and 4.2; see Sugiyama at column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (sub-channel 4.1 or 4.2; see Sugiyama at column 1, lines 60-63).

As to claim 9, Sugiyama and Newberry disclose wherein said first channel identification number is a transmission channel identification number (major channel 4; see Sugiyama at column 1, lines 48-52), and said tuning step includes tuning to receive a sub-channel comprising said identified individual broadcast channel in response to user entry (see Sugiyama at column 5, lines 60-67) of said transmission channel identification number (major channel 4; see Sugiyama at column 7, lines 5-15) and said minor number (minor channel 2; see Sugiyama at column 7, lines 29-49)

As to claim 10, Sugiyama and Newberry disclose wherein in said identifying step said individual broadcast channel is identified using acquired program guide information (see Sugiyama at column 6, lines 24-33 and lines 52-55).

As to claim 11, Sugiyama and Newberry disclose the step of searching a database (section data stored in memory; see Sugiyama at column 4, lines 22-27) to identify an individual broadcast channel of said plurality of broadcast channels (see Sugiyama at column 6, lines 24-33 and lines 52-55) in response to user entry of a channel identification number (see Sugiyama at column 5, lines 60-67).

5. Claims 12-14, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (Klosterman) (5,550,576) in view of Sugiyama.

As to claim 12, Eyer discloses in a video decoder (see Fig. 1B), a system for acquiring packetized program information comprising a program conveyed on one of a plurality of broadcast channel (column 5, lines 13-17 and lines 51-60), comprising the steps of:

acquiring a first program guide (satellite guide; column 3, lines 2-9), said acquired program guide being one of a plurality of different available program guides (column 3, lines 2-9);

acquiring a second program guide (cable guide; column 3, lines 2-9), different from said first program guide (column 3, lines 2-9), said second acquired program guide being one of a plurality of different available program guides (column 3, lines 2-9).

While Eyer discloses acquiring a first and second program guide (guides for different providers; column 3, lines 2-9) which include channel mapping (column 4, lines 63-67 and column 5, lines 1-4), he fails to specifically disclose:

acquiring a program guide containing information mapping a first broadcast channel number to a different second channel number;

tuning to receive packetized program information transmitted on said first different channel in response to user entry of said first broadcast channel number using said acquired program guide; and

acquiring packetized program information comprising a program conveyed on said first different channel.

In an analogous art, Sugiyama discloses a system for acquiring program information (column 4, lines 12-34) wherein the system will

acquire a program guide (PSIP guide) containing information mapping a first broadcast channel number to a different second channel number (column 1, lines 34-47, column 2, lines 23-34 and column 6, lines 24-33);

tune to receive packetized program information transmitted on said first different channel in response to user entry of said first broadcast channel number (column 5, lines 60-67) using said acquired program guide (column 6, lines 10-33); and

acquire packetized program information comprising a program conveyed on said first different channel (column 6, lines 29-33 and 52-55), for the typical benefit of allowing a provider to group related program channels together (column 2, lines 43-48 and column 1, lines 35-58) through the use of a defined standard (PSIP; column 2, lines 24-34).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman's system to include

acquiring a program guide containing information mapping a first broadcast channel number to a different second channel number;

tuning to receive packetized program information transmitted on said first different channel in response to user entry of said first broadcast channel number using said acquired program guide; and

acquiring packetized program information comprising a program conveyed on said first different channel, as taught by Sugiyama, for the typical benefit of implementing a known standard to allow related program channels to be grouped together.

As to claim 13, Klosterman and Sugiyama disclose wherein said first channel identification number is a virtual channel identification number (minor channels 4.1 and 4.2; see Sugiyama at column 1, lines 35-47 and 48-52) and said second channel identification number is a transmission channel identification number (major channel 4; see Sugiyama at column 1, lines 48-52).

As to claim 14, Klosterman and Sugiyama disclose wherein said first channel identification number is comprised of two elements, a major number and a minor number (see Sugiyama at column 1, lines 35-47).

As to claim 16, Klosterman and Sugiyama disclose wherein said major number is associated with a broadcast information provider (see Sugiyama at column 1, lines 60-63).

As to claim 18, Klosterman and Sugiyama disclose displaying said first broadcast channel number, together with said program (see Sugiyama at Fig. 11, screen 1106, column 6, lines 24-28), in response to user entry of said first broadcast channel number (see Sugiyama at column 5, lines 60-67).

As to claim 19, Klosterman and Sugiyama disclose wherein said first broadcast channel number comprises a major number and a minor number (see Sugiyama at column 1, lines 35-47), wherein said major number is associated with both an information provider and a group of sub-channels (wherein major number 4 is associated with analog channel 4 and minor channels 4.1 and 4.2; see Sugiyama at column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (sub-channel 4.1 or 4.2; see Sugiyama at column 1, lines 60-63).

As to claim 20, Klosterman and Sugiyama disclose wherein said first broadcast channel number comprises a major number and a minor number (see Sugiyama at column 1, lines 35-47), wherein said major number is associated with both an information provider and a group of sub-channels (wherein major number 4 is associated with a broadcast organizations analog channel 4 and minor channels 4.1 and 4.2; see Sugiyama at column 1, lines 60-63) and said minor number identifies a sub-channel from among a group of sub-channels (sub-channel 1 or 2; see Sugiyama at column 1, lines 60-63), and said second channel number is a transmission channel identification number (major channel 4; see Sugiyama at column 1, lines 48-52), and said tuning step includes tuning to receive a sub-channel comprising said identified individual broadcast channel in response to user entry (see Sugiyama at column 7, lines 5-49) of said transmission channel identification number and said minor number (see Sugiyama at column 2, lines 1-7).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama and Newberry, as applied to claim 1, and further in view of Vancelette (5,894,320) (of record).

As to claim 7, while Sugiyama discloses where the second channel identification number is comprised of two elements, a major number and a minor number (column 1, lines 35-47), he fails to specifically disclose wherein a default is used in the absence of said minor number.

Vancelette discloses wherein when a plurality of video signals are available for viewing by a user (column 6, lines 6-24 and column 11, lines 20-40), a default signal is assigned to be initially displayed upon receipt of a primary channel number (column 6, lines 32-37) for the typical advantage of lessening the amount of numbers a user needs to enter to receive video content.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Sugiyama's system to include wherein a default is used in the absence of said minor number, as taught by Alten, for the typical advantage of lessening the amount of numbers a user needs to enter to receive video content.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman and Sugiyama, as applied to claim 12 above, and further in view of Vancelette.

As to claims 7 and 15, while Sugiyama discloses where the second channel identification number is comprised of two elements, a major number and a minor number (column 1, lines 35-47), he fails to specifically disclose wherein a default is used in the absence of said minor number.

Vancelette discloses wherein when a plurality of video signals are available for viewing by a user (column 6, lines 6-24 and column 11, lines 20-40), a default signal is assigned to be initially displayed upon receipt of a primary channel number (column 6, lines 32-37) for the typical advantage of lessening the amount of numbers a user needs to enter to receive video content.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Sugiyama's system to include wherein a default is used in the absence of said minor number, as taught by Alten, for the typical advantage of lessening the amount of numbers a user needs to enter to receive video content.

8. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being obvious over Schneidewend, in view of Alten et al. (Alten)(US2002/0049973A1) (of record).

As to claim 25, while Schneidewend discloses lists of broadcast channels and groups of sub-channels associated with said selected broadcast channel (Fig. 11 and 12), he fails to specifically disclose navigation controls for incrementally or decrementally traversing through said lists.

Alten discloses a system wherein navigation controls (up/down arrow keys, Fig. 4, remote 40) are used to incrementally and decrementally traverse through a plurality of different menu listings (Fig. 6, page 9, paragraph 117 and Fig. 30, page 11, paragraph 136) for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include the use of navigation controls for incrementally or decrementally traversing through said lists, as taught by Alten, for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

As to claim 26, while Schneidewend discloses a system having some navigation control (column 12, lines 8-34), he fails to specifically disclose wherein said first and second navigation controls use the same user activated remote control button.

Alten discloses a system wherein the navigation controls to navigate a first listing (Fig. 6), and a second listing (Fig. 30) use the same remote control buttons (up/down arrow keys on remote 40 in Fig. 4; page 9, paragraph 117 and page 11, paragraph 136) for the typical advantage of simplifying the requirements of a user to navigate a plurality of different menus.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include wherein said first and second navigation controls use the same user activated remote control button, as taught by Alten, for the typical advantage of making menu listing navigation as simple as possible for a user.

As to claim 27, while Schneidewend discloses a system having some navigation control (column 12, lines 8-34), he fails to specifically disclose wherein said first and second navigation controls use different user activated remote control buttons.

Alten discloses a system wherein the navigation controls to navigate a first listing (Fig. 30), and a second listing (Fig. 30, 302, 306 or 307) use different user activated remote control buttons (page 11, paragraph 136) for the typical advantage of allowing the display and navigation of a listing and sublisting at the same time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include wherein said first and second navigation controls use different user activated remote control buttons, as taught by Alten, for the typical advantage of allowing the display and navigation of a listing and sublisting at the same time.

As to claim 28, Schneidewend discloses displaying a menu (Fig. 13) listing numbered broadcast channels (column 11, lines 37-48) and displaying a menu (Fig. 13) listing numbered sub-channels (column 11, lines 37-48), however, he fails to specifically disclose navigation controls for incrementally or decrementally traversing through said menus.

Alten discloses a system wherein navigation controls (up/down arrow keys, Fig. 4, remote 40) are used to incrementally and decrementally traverse through a plurality of different menu listings (Fig. 6, page 9, paragraph 117 and Fig. 30, page 11, paragraph 136) for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include the use of navigation controls for incrementally or decrementally traversing through said menus, as taught by Alten, for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

As to claim 29, Schneidewend discloses generating a displayed menu (Fig. 13, column 11, lines 23-35) listing numbered broadcast channels (column 11, lines 37-48) and generating a displayed menu (Fig. 13, column 11, lines 23-35) listing numbered sub-channels (column 11, lines 37-48), he fails to specifically disclose navigation controls for incrementally or decrementally traversing through said menus.

Alten discloses a system wherein navigation controls (up/down arrow keys, Fig. 4, remote 40) are used to incrementally and decrementally traverse through a plurality of different menu listings (Fig. 6, page 9, paragraph 117 and Fig. 30, page 11, paragraph 136) for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Schneidewend's system to include the use of navigation controls for incrementally or decrementally traversing through said menus, as taught by Alten, for the typical advantage of allowing a user to navigate through a plurality of items in a menu listing.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman and Sugiyama as applied to claim 12 above, and further in view of Wugofski et al. (Wugofski) (US2003/0056216).

As to claim 17, while Klosterman and Sugiyama disclose first and second program guides (see Klosterman at column 3, lines 2-9), and corresponding channel mapping information (see Sugiyama at column 1, lines 34-47, column 2, lines 23-34 and

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column 6, lines 24-33), they fail to specifically disclose selecting the second guide over the first guide when said first broadcast number and said second broadcast number are the same.

In analogous art, Wugofski discloses a system (Fig. 1) which receives program data from multiple program guides (paragraph 33) wherein one program guide is selected over another guide when they share the same broadcast number (paragraphs 29 and 30) for the typical benefit of eliminating channel conflicts between multiple program sources (paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Sugiyama's system to include selecting the second guide over the first guide when said first broadcast number and said second broadcast number are the same, as taught by Wugofski, for the typical benefit of eliminating channel conflicts when utilizing program guide data from multiple program sources.

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed 06/10/04, with respect to claims 24-29, have been fully considered but they are not persuasive.

On page 9, paragraph 6, of applicant's response concerning claim 24, applicant argues that "Schneidewend, in contrast, does display a virtual channel identification number, but this number is not displayed with the "physical transmission number" that corresponds to the virtual channel."

In response, Schneidewend specifically teaches that the "first identification number" (or major channel number) may be associated with a broadcast RF channel (column 6, lines 32-35). As shown in Fig. 12, the major channel number (12 for NBC) is displayed with the virtual channel identification number (comprising a major and minor number, in this case 12-1 NBC Sports) and clearly reads upon displaying the physical transmission number with the virtual channel identification number, as recited in the claim.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600